IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 11976 of 2000

Between:

1. Smt. Yanamandra Sumathi, W/o Ch.Chandra Mohan,
   R/o 4-157, Pragathi Nagar,
   Mossapet, Hyderabad.
2. Smt. Yellapaddi shoba, W/o Y.V.Sharma,
   R/o Flat No.8, Block No.9,
   Krupa Complex, Neredmet, Hyderabad.
3. Smt. P.Siva Parvathi, W/o P.V.Murali Krishna,
   R/o 12-5-148/2, Vijayapuri,
   Tarnaka, Secunderabad.
4. Smt. Pagidi Vijaya Kumari, W/o P.N.R. Reddy,
   R/o Plot No.9, Sri Ram Nagar Colony, behind Radhika Theatre,
   ECIL Post, Hyderabad.
5. Smt. Duggisetti Dhana Lakshmi, W/o D.Venkata Rajan,
   R/o 1-7-11/1, Kamala Nagar,
   ECIL Post, Hyderabad.
6. Smt. V.Jhansi, W/o Rambabu,
   R/o 12-5-149/12/1, Vijayapuri Colony,
   Malkajgiri, Ranga Reddy District.
7. Smt. Sri Ram Venkata Laxmi, W/o Rama Naga Veeraih,
   R/o 3-4-125, Naka Bazar,
   Secunderabad.
8. Kandula Kumara Swamy, K.Mallaiah,
   R/o 10-180, Vasanthapuri Colony,
   Malkajgiri, Ranga Reddy District.
9. S. Ranga Sai, S/o s.N.j.Rao,
   R/o 10-96, Mirjalaguda,
   Malkajgiri, Ranga Reddy District.
10. T.V. Subba Rao, S/o T.V.Raghvaiah
    R/o 12-10-587/50/17/F, Road No.2,
    Indra Nagar, Warisguda, Secunderabad.

..... PETITIONERS

AND

1. The Commissioner,
   Kapra Municipality, Ranga Reddy District.
2. The Town Planning Officer,
   Kapra Municipality, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondents 1 & 2 is illegal, arbitrary, unjust and against the principles of natural justice by causing interference with the peaceful possession of the petitioners of their respective plots in Sy.Nos.330, 331 & 333 respectively situated at Nagarjuna Nagar Colony, Kuishaiguda Village, Keesara Mandal, Ranga Reddy District.

Counsel for the Petitioner: MR.B.N.SWAMIJI

Counsel for the Respondents: MR.K.VENUGOPAL REDDY (SC FOR MUNICIPAL)

The Court made the following:

ORDER:

For declaring the action of the respondents 1 and 2 in causing interference with the peaceful possession of the petitioners of their respective plots in Survey No.330, 331 and 333 respectively situated at Nagarjuna Nagar Colony, Kushaiguda village, Keesara Mandal, Rangareddy District, as illegal and arbitrary, the present writ petition has been filed.

2. The case of the petitioners is that they purchased the plots situated at Nagarjuna Colony, Kushaiguda village on various dates through registered sale deeds under a valid consideration from G.P.A. holders of original pattadar of the lands in Survey No.330, 331 and 333 and originally the layout sanctioned by Gram Panchayat Kushaiguda in the year 1975. It is further contended that the lay out sanctioned by the Grampanchayat in the year 1975, as per the information received by the petitioners this land allotted to a dust dumping ground to Kapra Municipality recently. But the petitioners purchased the plots

long back from the G.P.A. holder of original owners. Right from the purchase the Kapra Municipality not taken any action against the said plots but suddenly with a mala fide intention the concerned authorities of the Municipality is trying to interfere with the peaceful possession of the petitioners of their respective plots. The petitioners are approached the respondents and then the respondents said that the land was allotted to them for dumping of garbage. Hence, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and perused the record.

4. I have gone through the entire record and found that the issue involved in this writ petition is with regard to the title and possession of the petitioners over the lands in question. This Court cannot decide that the title and possession of the petitioners as well as all the plots purchased by the petitioners is legal and genuine. The petitioners, if so aggrieved, they can establish their title and possession over the plots by approaching a competent Civil Court, and therefore, the writ petition is not maintainable and is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 21.07.2005

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner,
   Kapra Municipality, Ranga Reddy District.
2. The Town Planning Officer,
   Kapra Municipality, Ranga Reddy District.

3. 2 CD copies

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